

Customized FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.

P07109US00/BAS

U.S. APPLICATION NO.

(If known, see 37CFR 1.5)

09/787,195

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.

PCT/GB99/03109

INTERNATIONAL FILING DATE

17 SEPTEMBER 1998

PRIORITY DATE CLAIMED

17 SEPTEMBER 1998

TITLE OF INVENTION: BIO-ASSAY TECHNIQUE

APPLICANT(S) FOR DO/EO/US: DAMES, Andrew et al.

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☒ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
- ☐ 3. This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Art. 22 and 39(1).
- ☐ 4. A proper Demand for International Preliminary Examination was made by the 19<sup>th</sup> month from the earliest claimed priority date.
- ☐ 5. A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - ☐ a. is transmitted herewith (required only if not transmitted by the International Bureau).
  - ☐ b. has been transmitted by the International Bureau.
  - ☐ c. is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ 6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- ☐ 7. Amendments to the claims of the International Appln. under PCT Article 19 (35 USC 371 (c)(3))
  - ☐ a. are transmitted herewith (required only if not transmitted by the International Bureau).
  - ☐ b. have been transmitted by the International Bureau.
  - ☐ c. have not been made; however, the time limit for making such amendments had NOT expired.
  - ☐ d. have not been made and will not be made.
- ☐ 8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ 10. A translation of the annexes to the Int'l Prelim. Exam. Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

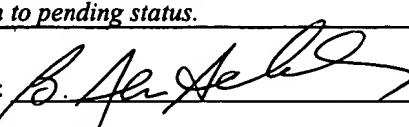
- ☐ 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
- ☐ 12. An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ 13. A First preliminary amendment.
- ☐ A Second or subsequent preliminary amendment.
- ☐ 14. A substitute specification.
- ☐ 15. A change of power of attorney and/or address letter.
- ☐ 16. Other items or information:

04/19/2001 MNGUYEN 00000013 09787195

01 FC:254 ☐ 65.00 OP

- ☒ A copy of the Notification of Missing Requirements under 35 U.S.C. 371.
- ☒ In the event that a petition for extension of time is required to be submitted herewith, and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized in 17(c).

Date: 17 April 2001

U.S. APPLICATION NO. <i>(If known)</i> 09/787,195		INTERNATIONAL APPLICATION NO. PCT/GB99/03109		ATTORNEY DOCKET NO. P07109US00/BAS											
<input checked="" type="checkbox"/> 17. The following fees are submitted: <input type="checkbox"/> Basic National Fee (37 CFR 1.492 (a) (1)-(5): <table style="width: 100%; margin-top: 5px;"> <tr> <td><input type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO</td> <td style="text-align: right;">\$1000</td> </tr> <tr> <td><input type="checkbox"/> Search Report has been prepared by the EPO or JPO</td> <td style="text-align: right;">\$ 860</td> </tr> <tr> <td><input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO</td> <td style="text-align: right;">\$ 710</td> </tr> <tr> <td><input type="checkbox"/> International preliminary examination fee paid to USPTO</td> <td style="text-align: right;">\$ 690</td> </tr> <tr> <td><input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO &amp; all claims satisfied PCT Art. 33(1)-(4)</td> <td style="text-align: right;">\$ 100</td> </tr> </table>				<input type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO	\$1000	<input type="checkbox"/> Search Report has been prepared by the EPO or JPO	\$ 860	<input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO	\$ 710	<input type="checkbox"/> International preliminary examination fee paid to USPTO	\$ 690	<input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4)	\$ 100	CALCULATIONS <i>PTO USE ONLY</i>	
				<input type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO	\$1000										
				<input type="checkbox"/> Search Report has been prepared by the EPO or JPO	\$ 860										
				<input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO	\$ 710										
				<input type="checkbox"/> International preliminary examination fee paid to USPTO	\$ 690										
<input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4)	\$ 100														
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$											
<input checked="" type="checkbox"/> Surcharge of \$130 for furnishing the oath or declaration later than from the earliest claimed priority date (37 CFR 1.492(e)).				<input type="checkbox"/> 20 mos. <input type="checkbox"/> 30 mos. +	\$ 130.00										
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE												
Total Claims	21 - 20 =	21	X \$18 =	\$											
Independent Claims	1 - 03 =	3	X \$80 =	\$											
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)			+ \$270 =	\$											
TOTAL OF ABOVE CALCULATIONS =				\$ 130.00											
<input checked="" type="checkbox"/> Reduction of 1/2 for small entity status of applicant.				\$ 65.00											
SUBTOTAL =				\$ 65.00											
<input type="checkbox"/> Processing fee of \$130 for furnishing the English translation later than from the earliest claimed priority date (37 CFR 1.492(f)).				<input type="checkbox"/> 20 mos. <input type="checkbox"/> 30 mos. +	\$										
TOTAL NATIONAL FEE =				\$ 65.00											
<input type="checkbox"/> Fee for recording the enclosed assignment, accompanied by a cover sheet - \$40 per property				\$											
TOTAL FEES ENCLOSED =				\$ 65.00											
Amount to be				Refunded	\$										
				Charged	\$										
<input checked="" type="checkbox"/> a. A check in the amount of \$65.00 to cover the above fees is enclosed. <input type="checkbox"/> b. Please charge my Deposit Account No. 12-0555 in the amount of \$ to cover the above fees. <input checked="" type="checkbox"/> c. The Commissioner is hereby authorized to charge any additional fees required or credit overpayment to Deposit Account No. 12-0555.															
<i>Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</i>															
SEND ALL CORRESPONDENCE TO:  <b>B. Aaron Schulman</b>  At the address (below) of CUSTOMER NO. 00881.  <b>LARSON &amp; TAYLOR, PLC</b> <b>1199 NORTH FAIRFAX ST.</b> <b>SUITE 900</b> <b>ALEXANDRIA, VA 22314</b>			SIGNATURE:  NAME: B. Aaron Schulman REG. NO.: 31,877 PHONE NO.: 703-739-4900 Date: 17 April 2001												



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

APR 11 2001

Commissioner for Patent and Trademark  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO. 95

DAMES FIRST NAMED APPLICANT

LARSON AND TAYLOR

ATTY. DOCKET NO. 09180078

5611

INTERNATIONAL APPLICATION NO.

PCT/GB97/03109

LARSON &amp; TAYLOR

1199 NORTH FAIRFAY STREET SUITE 900  
ALEXANDRIA VA 22304

I.A. FILING DATE

09/17/98

PRIORITY DATE

09/17/98

DATE MAILED: 04/09/01

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.  
☒ Copy of the international application. ☐ Translation of the international application into English.  
☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.  
☐ Copy of Article 19 amendments. ☐ Other:  
☐ Priority Document.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☒ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☒ U.S. Basic National Fee. ☒ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Telephone: **Lemont Hunter**  
**National Stage Processing**  
**(703) 365-6686**